

49403-65086

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

TAMMY GIPSON,

Plaintiff,

v.

No.

**JURY DEMAND**

STATE FARM MUTUAL  
AUTOMOBILE INSURANCE  
COMPANY, and LORI GEIWONT,  
Individually and as Personal  
Representative and surviving spouse  
Of PHILLIP D. GEIWONT, Deceased,

Defendants.

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**NOTICE OF REMOVAL**

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Defendant State Farm Mutual Automobile Insurance Company hereby notifies the Judges of the United States District Court for the Western District of Tennessee, the Clerk of the Shelby County Circuit Court of Tennessee for the Thirtieth Judicial District at Memphis, Plaintiff Tammy Gipson, and Defendant Lori Giewont that the action described herein and filed in the Circuit Court of Tennessee for the Thirtieth Judicial District at Memphis, is removed to the United States District Court for the Western District of Tennessee, Eastern Division pursuant to 28 U.S.C. § 1441.

1. On April 11, 2008, Plaintiff, Tammy Gipson, filed a civil action bearing Docket No. CT-001777-08, in Division Seven, against the Defendant, State Farm Mutual Automobile Insurance Company, and other defendants, in the Circuit Court of Shelby County, Tennessee.

Service of the complaint and summons was made upon State Farm Mutual Automobile Insurance Company on April 15, 2008, by certified mail through the Department of Insurance of the State of Tennessee.

2. This action is filed by Plaintiff for breach of contract, common law and statutory claims for bad faith, and violation of the Tennessee Consumer Protection Act, punitive damages and other alleged equitable relief allegedly due pursuant to a contract of insurance allegedly covering Plaintiff, who was involved in an automobile accident on April 19, 2004.

3. Petitioner seeks removal of this action to this Court upon the grounds that the controversy is wholly between citizens of different states and involves an amount in controversy which exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of the interest and costs, pursuant to 28 U.S.C. § 1332. Specifically, the complaint alleges that State Farm be ordered to pay \$6,000,000.00 to Plaintiff as a result of the April 19, 2004 automobile accident and the related underlying, now concluded, litigation of that accident.

4. Plaintiff is a resident and citizen of the State of Tennessee and was a citizen of the State of Tennessee at the time of the filing of this action and at the time of removal. Defendant State Farm Mutual Automobile Insurance Company is a corporation incorporated in Illinois, with its principal place of business in Bloomington, Illinois. Defendant Lori Giewont is a citizen of the State of Pennsylvania. The amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.

5. This notice is filed within the time prescribed by 28 U.S.C. § 1446(b).

6. A copy of the Summons and Complaint, being all the papers served upon the Defendant, is attached hereto.

WHEREFORE, Notice is hereby given that the said civil action number CT-001777-08

is removed from the Circuit Court of Shelby County, Tennessee, to this Court.

**RAINEY, KIZER, REVIERE & BELL, P.L.C.**

s/ Russell E. Reviere

Russell E. Reviere (BPR No. 07166)  
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*Attorney for Defendant State Farm  
Mutual Automobile Insurance Company*

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true copy of this pleading or document was served upon:

James M. Simpson, Esq.  
80 Monroe Ave., Suite 650  
Memphis, Tennessee 38103

*Attorney for Plaintiff Tammy Gipson*

Gary K. Smith, Esq.  
Karen M. Campbell, Esq.  
100 Peabody Place, Suite 1300  
Memphis, Tennessee 38103

*Attorneys for Defendant Lori  
Geiwont, Individually, and as Personal  
Representative and Surviving Spouse  
Of Philip D. Geiwont, Deceased.*

by mailing postage prepaid to such counsel.

This the 15<sup>th</sup> day of May, 2008.

s/ Russell E. Reviere